

**REMARKS**

Reconsideration of the present application is respectfully requested in view of the following remarks. Prior to entry of this response, Claims 1-12 and 18-28 were pending in the application, of which Claims 1, 12, and 18 are independent. In the Office Action dated January 27, 2010, Claims 1-12 and 18-28 were rejected under 35 U.S.C. § 103. Following this response, Claims 1-12 and 18-28 remain in this application. Applicant hereby addresses the Examiner's rejections in turn.

**I. Rejection of the Claims Under 35 U.S.C. § 103(a)**

In the Office Action dated January 27, 2010, the Examiner rejected Claims 1-6, 9-10, 12, 18-23, and 26-27 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,430,570 ("Judge") in view of Enterprise JavaBeans Component Architecture: Designing and Coding Enterprise Applications ("EJB") and further in view of Object-Oriented Interface Design by IBM ("OOI"). In addition, the Examiner rejected Claims 7-8, 11, 24-25, and 28 under 35 U.S.C. § 103(a) as being unpatentable over Judge in view of EJB and OOI and a traversed Official Notice. Claims 1, 12, and 18 have been amended, and Applicant respectfully submits that the amendments overcome this rejection and add no new matter.

Amended Claim 1 is patentably distinguishable over the cited art for at least the reason that it recites, for example, "determining which of the plurality of applications to effect removal from the memory based on the received application states and associated pre-determined application priorities, wherein if more than one application has an identical state and an identical priority further determining which of the plurality

of applications to effect removal from the memory based on inactivity time for the respective applications as indicated by a flag setting, wherein an application with a corresponding application state indicating the absence of said differences between said first operational stage and said second operational stage is to be removed from the memory before other applications with application states indicating the presence of said differences between said first operational stage and said second operational stage."

Amended Claims 12 and 18 each include a similar recitation. Support for these amendments can be found in the specification at least in paragraphs [0072], [0075], and [0094].

In contrast, *Judge* fails to disclose the above-emphasized limitation. *Judge* merely appears to disclose caching class objects on default and only unloading class objects upon direct request or upon determination of a low or no memory condition. (*Judge*, 7:28-36). A priority value may be associated with each entry in an application manager list to rank applications for order of unloading. (*Judge*, 7:36-51). However, *Judge* fails to disclose comparing priorities for applications subsequent to determining the application states. Furthermore, *Judge* fails to disclose comparing inactivity times when multiple applications share the same state and the same priority.

*EJB* fails to remedy the deficiencies of *Judge*. *EJB* merely appears to discuss removing a stateless session prior to other sessions as the latency time to perform the operation may be less. (*EJB*, p. 4).

Likewise, *OOI* fails to remedy the deficiencies of *Judge* and *EJB*. *OOI* merely appears to disclose displaying a text warning message after a user selects to close an application. (*OOI*, p. 225).

Combining *Judge* with *EJB* and/or *OOI* would not have led to the claimed subject matter because *Judge*, *EJB*, and/or *OOI*, either individually or in any reasonably combination, at least do not disclose “determining which of the plurality of applications to effect removal from the memory based on the received application states and associated pre-determined application priorities, wherein if more than one application has an identical state and an identical priority further determining which of the plurality of applications to effect removal from the memory based on inactivity time for the respective applications as indicated by a flag setting, wherein an application with a corresponding application state indicating the absence of said differences between said first operational stage and said second operational stage is to be removed from the memory before other applications with application states indicating the presence of said differences between said first operational stage and said second operational stage” as recited by amended Claim 1. Amended Claims 12 and 18 each include a similar recitation. Accordingly, independent Claims 1, 12, and 18 each patentably distinguish the present invention over the cited art, and Applicant respectfully requests withdrawal of this rejection of Claims 1, 12, and 18.

Dependent Claims 2-11 and 19-28 are also allowable at least for the reasons described above regarding independent Claims 1 and 18, and by virtue of their respective dependencies upon independent Claims 1 and 18. Accordingly, Applicant respectfully requests withdrawal of this rejection of dependent Claims 2-11 and 19-28.

III. Conclusion

In view of the foregoing, Applicant respectfully submits that the pending claims, as amended, are patentable over the cited references. The preceding arguments are based only on the arguments in the Official Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Official Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability. Furthermore, the Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 13-2725.

Respectfully submitted,  
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